

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION

IN RE: Robert John Byrnes Case No.: 10-37733  
Christina Lynn Byrnes  
Debtor Chapter 13

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Robert John Byrnes  
Christina Lynn Byrnes

Plaintiffs,

v. Adversary Proceeding No.15-03333-KLP

M&T Mortgage Company

Cheryl A. Johnson, Trustee

**REQUEST FOR ENTRY OF DEFAULT UNDER FED. R. BANKR. P. 7055(a)**

TO THE DEFENDANTS, DEFENDANT'S ATTORNEYS, AND OTHER INTERESTED PARTIES:

1. The name of the Defendants against whom default judgment is sought: M&T Mortgage Company and Cheryl A. Johnson, Trustee.

2. The Plaintiffs, by counsel, filed the Complaint as amended in the above-captioned proceeding on or about May 3, 2015.

3. The Summons, Complaint and Notice of Trial (or Pretrial Conference) was served on M and T Bank, registered Agent of M and T Bank, an officer of M and T Bank, and Cheryl A. Johnson, Trustee by first class mail and on an officer of M and T Bank certified mail, return receipt requested, on May 5, 2015.

4. A copy of the USPS proof of delivery of certified mail has been filed with the Court.

5. The time for filing an Answer or other response expired on June 4, 2015.

6. No answer was filed by any of the Defendants.

7. After investigation, the Plaintiffs have determined that the Defendants are not members of the armed forces.

8. After investigation, the Plaintiffs have determined that the Defendants are not infants or incompetent.

WHEREFORE, the Plaintiffs request that the Clerk of the Court enter the Default of the Defendants.

Date: June 16, 2015

Respectfully Submitted,

/s/ Roger C. Hurwitz  
Roger C. Hurwitz (VSB#51016)  
Attorney for Debtor  
Woehrle, Franklin, Dahlberg, Jones  
2016 Lafayette Blvd Suite 101  
Fredericksburg, VA 22401  
(540) 898-8881 Phone

### **PROOF OF SERVICE BY MAIL**

COMMONWEALTH OF VIRGINIA  
City of Fredericksburg, to wit:

I am employed in the above County of Spotsylvania, Commonwealth of Virginia. I am over the age of 18 and not a party to the within action. My business is as follows: Attorney for the Plaintiffs/Debtors herein.

On June 16, 2015, 2014, I served the foregoing document, described as Request for Entry of Default under Fed. R. Bankr. P. 7055(a), on the interested parties at their last known address in this action by placing a true and correct copy thereof in a sealed envelope with postage thereon fully prepaid in a receptacle of the United States Mail at Fredericksburg City, Virginia 22401, addressed as follows:

M and T Bank  
PO Box 1508  
Buffalo, NY 14240

Cheryly Johnson, Trustee  
9214 Centre St  
Manassas, VA 20110

Samuel I. White, PC  
Registered Agent  
5040 Corporate Woods Dr.  
Ste 120  
Virginia Beach, VA 23462

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated this 16<sup>th</sup> day of June, 2015

Robert John Byrnes  
Christina Lynn Byrnes  
By Counsel

By: /s/ Roger C. Hurwitz  
Roger C. Hurwitz (VSB#51016)  
Attorney for Debtors  
Woehrle, Franklin, Dahlberg, Jones  
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